

2006-018057

Klamath County, Oregon



09/07/2006 12:04:22 PM

Fee: \$46.00

**DECLARATION OF WETLAND COVENANTS AND RESTRICTIONS
FOR THE RIDGEWATER PUD**

THIS DECLARATION OF WETLAND COVENANTS AND RESTRICTIONS
("Declaration") made this 7th day of September, 2006, by
Running Y Resort, Inc. (your firm's name), ("Declarant").

RECITALS

A. WHEREAS, Declarant is the owner of the real property described in Exhibit "A" and depicted in Exhibit "B" (the "Property"), both of which are attached hereto and by this reference incorporated herein as the "Property", and desires to {create restore or enhance} thereon wetlands to be maintained in accordance with Permit Number 36638 (the "Permit") approved by the Oregon Department of State Lands ("Department") and the restrictions and allowances set forth herein;

B. WHEREAS, Declarant desires to provide for the preservation and enhancement of the wetland values of the Property and for the maintenance and management of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property.

NOW, THEREFORE, the Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration.

**ARTICLE 1
PROPERTY SUBJECT TO THIS DECLARATION**

The Property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Klamath County, Oregon and is more particularly described in Exhibit "A" and depicted on Exhibit "B".

**ARTICLE 2
GENERAL PLAN OF DEVELOPMENT**

Declarant currently manages the Property for the purpose of stormwater management and for the purpose of wetland mitigation in accordance with the Permit.

**ARTICLE 3
USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES**

The Property shall be used and managed for stormwater management purposes and for wetland mitigation purposes in accordance with the Permit. Declarant and all users of the Property are subject to any and all easements, covenants and restrictions of record affecting the Property, including the following:

3.1 Except as necessary for the installation and maintenance of improvements related to stormwater management, there shall be no removal, destruction, cutting, trimming, mowing,

alteration or spraying with biocides of any vegetation on the Property, nor any disturbance or change in the natural habitat of the Property unless approved by the Department.

3.2 There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the Property; nor shall any right of passage across or upon the Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.

3.3 No domestic animals shall be allowed on the Property.

3.4 Except as necessary for the installation and maintenance of improvements related to stormwater management, there shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Property in any manner.

3.5 There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Property.

ARTICLE 4 RESOLUTION OF DOCUMENT CONFLICTS

In the event of any conflict between this Declaration and the Permit, the Permit shall control.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this 7th day of September, 2006.

Your firms name: Running Y Resort Inc.
Klamath County, Oregon

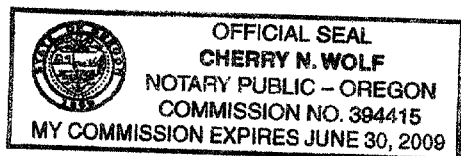
By: [Signature]

Title: GENERAL MANAGER

STATE OF OREGON)
)
County of Klamath)

ss:

This instrument was acknowledged before me on September 7, 2006 (date) by
Wood Andres (name of person) as
General Manager (title) of Running Y Resort, Inc.
Klamath County, Oregon.



Cherry Wolf
Signature of Notarial Officer

My Commission Expires: June 30, 2009



1004 Main Street
Klamath Falls, Oregon 97601-5813
541.884.3042
Fax 541.885.2105

SEPTEMBER 7, 2006

RUNNING Y RANCH – RIDGEWATER WETLAND
MITIGATION EASEMENT

PROJECT NO. 32765

EXHIBIT "A"

AN EASEMENT FOR WETLAND MITIGATION CONTAINING THREE SEPARATE AREAS, ALL BEING PART OF COMMON AREA "A" OF TRACT 1472, RIDGEWATER SUBDIVISION, PHASE 1, A PLAT RECORDED AS DOCUMENT NO. 2006-17961 IN THE KLAMATH COUNTY RECORDER'S OFFICE, AND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 38 SOUTH, RANGE 8 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AREA 1:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36, THENCE NORTH 51°17'14" EAST, 818.97 FEET TO THE **POINT OF BEGINNING**. THENCE NORTH 29°15'02" EAST, 19.97 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE SOUTH 59°00'35" EAST, 102.43 FEET; THENCE SOUTH 49°24'44" EAST, 33.41 FEET; THENCE SOUTH 39°48'50" EAST, 33.80 FEET; THENCE SOUTH 56°00'26" EAST, 33.11 FEET; THENCE SOUTH 76°49'13" EAST, 44.57 FEET; THENCE SOUTH 03°12'51" EAST, 35.46 FEET; THENCE NORTH 57°34'22" WEST, 30.47 FEET; THENCE NORTH 74°09'40" WEST, 51.88 FEET; THENCE NORTH 40°39'14" WEST, 34.46 FEET; THENCE NORTH 48°18'27" WEST, 42.91 FEET; THENCE NORTH 44°13'42" WEST, 15.79 FEET; THENCE NORTH 56°25'44" WEST, 25.66 FEET; THENCE NORTH 46°12'25" WEST, 23.22 FEET; THENCE NORTH 58°46'22" WEST, 24.40 FEET; THENCE NORTH 65°59'44" WEST, 18.91 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 6,092 SQUARE FEET OR 0.14 ACRES.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT:

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AREA 2:

COMMENCING AT THE AFOREMENTIONED POINT "A", THENCE NORTH 55°54'51" WEST, 162.74 FEET TO THE **POINT OF BEGINNING**. THENCE NORTH 28°19'06" WEST, 49.10 FEET; THENCE NORTH 00°41'41" WEST, 54.14 FEET; THENCE NORTH 16°19'17" WEST, 28.04 FEET; THENCE NORTH 21°26'38" EAST, 47.59 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE NORTH 78°13'23" EAST, 54.66 FEET; THENCE NORTH 85°38'43" EAST, 34.57 FEET; THENCE NORTH 75°52'13" EAST, 45.70 FEET; THENCE SOUTH 88°37'44" EAST, 123.61 FEET; THENCE SOUTH 84°24'28" EAST, 71.04 FEET; THENCE NORTH 86°07'42" EAST, 55.53 FEET; THENCE SOUTH 74°30'03" EAST, 56.60 FEET; THENCE SOUTH 65°58'41" EAST, 27.75 FEET; THENCE SOUTH 31°48'23" EAST, 78.60 FEET; THENCE SOUTH 18°10'48" EAST, 53.86 FEET; THENCE SOUTH 25°01'07" EAST, 65.28 FEET; THENCE SOUTH 02°18'54" WEST, 60.20 FEET; THENCE SOUTH 21°48'43" WEST, 11.38 FEET; THENCE SOUTH 28°37'19" WEST, 30.26 FEET; THENCE SOUTH 69°06'05" WEST, 36.84 FEET; THENCE NORTH 87°54'45" WEST, 83.30 FEET; THENCE NORTH 76°49'21" WEST, 88.75 FEET; THENCE NORTH 72°44'45" WEST, 123.13 FEET; THENCE NORTH 67°59'26" WEST, 109.56 FEET; THENCE NORTH 73°50'22" WEST, 92.53 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 135,188 SQUARE FEET OR 3.10 ACRES.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT:

AREA 3:

COMMENCING AT THE AFOREMENTIONED POINT "B", THENCE NORTH 10°03'08" EAST, 39.76 FEET TO THE **POINT OF BEGINNING**. THENCE NORTH 27°11'33" WEST, 41.11 FEET; THENCE NORTH 09°09'57" EAST, 41.67 FEET; THENCE NORTH 03°41'19" WEST, 52.40 FEET; THENCE NORTH 03°31'24" EAST, 55.73 FEET; THENCE NORTH 15°13'45" WEST, 23.61 FEET; THENCE NORTH 27°32'12" WEST, 33.60 FEET; THENCE NORTH 03°14'38" EAST, 19.86 FEET; THENCE NORTH 18°13'31" WEST, 21.91 FEET; THENCE NORTH 55°13'25" WEST, 30.48 FEET; THENCE NORTH 31°05'26" EAST, 22.45 FEET; THENCE NORTH 33°27'56" WEST, 17.68 FEET; THENCE SOUTH 47°51'22" WEST, 26.30 FEET; THENCE SOUTH 27°44'23" WEST, 23.21 FEET; THENCE SOUTH 66°54'47" WEST, 19.48 FEET; THENCE NORTH 36°09'30" WEST, 20.42 FEET; THENCE NORTH 07°40'12" EAST, 17.35 FEET; THENCE NORTH 09°28'00" WEST, 16.09 FEET; THENCE NORTH 25°07'32" WEST, 23.37 FEET; THENCE NORTH 14°02'31" WEST, 19.09 FEET; THENCE NORTH 45°00'47" EAST, 12.63 FEET; THENCE SOUTH 67°37'45" EAST, 18.24 FEET; THENCE

NORTH 40°28'31" EAST, 14.78 FEET; THENCE SOUTH 87°55'05" EAST, 18.21 FEET; THENCE SOUTH 57°28'38" EAST, 22.76 FEET; THENCE SOUTH 40°55'10" EAST, 30.42 FEET; THENCE NORTH 78°41'43" EAST, 23.91 FEET; THENCE SOUTH 87°30'52" EAST, 116.48 FEET; THENCE SOUTH 78°26'41" EAST, 16.52 FEET; THENCE NORTH 72°07'45" EAST, 23.96 FEET; THENCE NORTH 10°06'08" EAST, 27.27 FEET; THENCE NORTH 26°03'36" WEST, 47.40 FEET; THENCE NORTH 88°21'51" EAST, 23.79 FEET; THENCE SOUTH 42°07'50" EAST, 22.28 FEET; THENCE SOUTH 23°23'43" EAST, 27.38 FEET; THENCE SOUTH 03°15'42" WEST, 35.82 FEET; THENCE SOUTH 46°38'24" EAST, 35.21 FEET; THENCE SOUTH 31°04'08" EAST, 65.11 FEET; THENCE SOUTH 23°53'07" EAST, 79.99 FEET; THENCE SOUTH 28°52'58" EAST, 35.94 FEET; THENCE SOUTH 39°54'56" EAST, 119.18 FEET; THENCE SOUTH 59°42'03" EAST, 29.65 FEET; THENCE SOUTH 09°07'20" EAST, 32.29 FEET; THENCE SOUTH 62°49'52" WEST, 61.21 FEET; THENCE NORTH 85°30'53" WEST, 195.89 FEET; THENCE SOUTH 78°30'12" WEST, 86.78 FEET; THENCE NORTH 83°19'44" WEST, 46.79 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 113,274 SQUARE FEET OR 2.60 ACRES.

BEARINGS ARE BASED ON THE PLAT OF "TRACT 1472, RIDGEWATER SUBDIVISION, PHASE 1", RECORDED AS DOCUMENT NO. 2006-17961 IN THE KLAMATH COUNTY RECORDER'S OFFICE. .

